IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Bail Appl..No. 898 of 2007()

CC.824/2005 of J.M.F.C.-I,KOTTARAKKARA
CRIME NO.202/05 OF EZHUKONE POLICE STATION

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: PETITIONER/1ST ACCUSED

SATHEESH, S/O. SIVADASAN,
"MAYA NIVAS", AMRUTHAKULANGARA,
CHERIYIL, MUNDAKKAL EAST, KOLLAM.

BY ADV. SRI.G.SUKUMARA MENON
SRI.THOMAS ABRAHAM (CHUTTUMANIL)

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 898 OF 2007

Dated this the 15th day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the first accused in Crime No.202/2005 of Ezhukone Police Station for offences punishable under Sections 341, 323 and 506(ii) read with section 34 I.P.C., seeks anticipatory bail. The occurrence took place on 10.6.2005.

2. Consequent on the non-appearance of the petitioner in C.C.No.824/2005 before the JFCM-I, Kottarakkara, non-bailable warrants of arrest are pending against the petitioner, who is stated to be abroad at present. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, the same shall be considered and disposed of, preferably, on the same day on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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